

## **ARGUMENTS**

Claims 1-10 and 12 are rejected under 35 USC 103(a) as being unpatentable over EP 422894 in view of Jansson, Fathauer, and French Patent 2597460. It is the Examiner's position that EP 422894 discloses a substantially similar container cradle except for wheels, a fork lift attachment and a steering wheel. The Examiner relies upon the teachings of Jansson as showing wheels, Fathauer as showing the use of a fork lift attachment, and French Patent 2597460 as teaching a steering wheel. It is the Examiner's position that it would have been obvious to include the features of Jansson, Fathauer and French Patent 2597460 in the EP 422894 cradle in order to increase the mobility of the cradle.

The Applicant disagrees with the Examiner's position for the following reasons.

EP 422894 discloses an apparatus for loading and unloading containers on trucks. The apparatus is a stationary apparatus that has a frame that can be moved laterally onto an arm of one side of the apparatus that is hinged to be lowered horizontally. A framework 6 straddles the container and engages it at the front and rear ends by means of chains 7. The chains 7 are connected through a bracket 21 to support cables 18 and 19 which run over a pulley system that is driven to raise and lower the container.

The Examiner asserts that Jansson teaches providing wheels on the support legs of a container handling apparatus. However, it is the Applicant's position that the apparatus of EP 422894 combined with wheels as taught by Jansson would not lead to a container handling apparatus as defined by the present claims. The combination would instead lead to a structure where, by virtue of chains 7 and cables 18, 19, the container would be susceptible to swinging and jerking when rolled on wheels. The structure of EP 422894 is not designed to take wheels because this would deleteriously affect the stability of the container support from the chains and cables.

The Examiner's attention is directed to column 2, lines 30-41 of EP 422894 where it is described that the features of the apparatus is such that pivotal motion is reduced and there is less chance that the container will swing around when being loaded or unloaded, which would normally damage goods in the container. Adding wheels to this construction would mean that when the wheels are used, the container would pivot and jerk and be generally unstable, which is against the tenet taught by EP 422894. EP 422894 is only designed to allow movement of the container up and off the truck and down onto the ground. It is not designed for any further movement.

In addition to this failing, the combination of EP 422894 and Jansson fail to teach other important features of the

claimed invention. One of these features includes the ability of the container handling apparatus or cradle being **moved laterally** from one side of the container and over the container so as to bring the apparatus to the container rather than, as taught by the prior art, bringing the container to the apparatus. Specifically, a lorry is driven under the lifting apparatus or another vehicle is used to position the apparatus laterally to the container. In the presently defined invention, the apparatus can be rolled into position by either its own self-propelled wheels or easily guided by a driving vehicle.

The prior art (including Fathauer and FR 2597460), in combination or separately, additionally fail to teach that the main frame is raised and lowered with the container to which it is **rigidly attached**. In the present invention, the main frame and container effectively operate as a single unit to provide greater stability when raising and lowering the container and when moving the container handling apparatus from one location to another.

In EP 422894, the frame that moves laterally across the container is not lowered with the container. Rather, it provides an overhead support for the pulleys that lower the container by way of cables 18, 19. In this prior art reference, the container is therefore not rigidly attached to framework 6

and therefore more susceptible to damage if the apparatus of EP 422894 was provided with wheels.

As state above, EP 422894 allows no maneuverability of the apparatus or container. Maneuverability is not improved by combining EP 422894 with Jansson because Jansson discloses a heavy commercial gantry unit that does not approach a container from the lateral side of a vehicle and nor would it have the sophistication of stably restraining the container so that it can be safely transported.

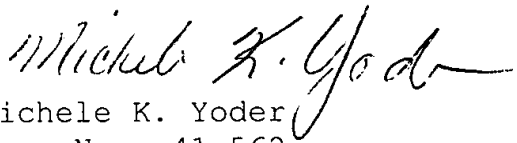
Furthermore, it is the Applicant's position that Fathauer and FR 2597460 fail to add anything to EP 422894 that would teach or suggest the apparatus of cradle presently claimed in it its broadest sense in claim 1.

For the reasons set forth above, it is respectfully requested that the rejection of claims 1-10 and 12 under 35 USC 103(a) as being unpatentable over EP 422894 in view of Jansson, Fathauer, and French Patent 2597460 as the combination of these references fail to render the claims obvious.

### Conclusion

In view of the foregoing arguments and amendments, Applicant believes that the application meets all applicable statutory and regulatory requirements. Accordingly, Applicant respectfully requests allowance of all claims remaining in the application. If the Examiner has any questions regarding this amendment and/or believes that a telephone interview would assist in the advancement of this case to allowance, he/she is invited to contact the undersigned Agent for Applicant.

Respectfully submitted,  
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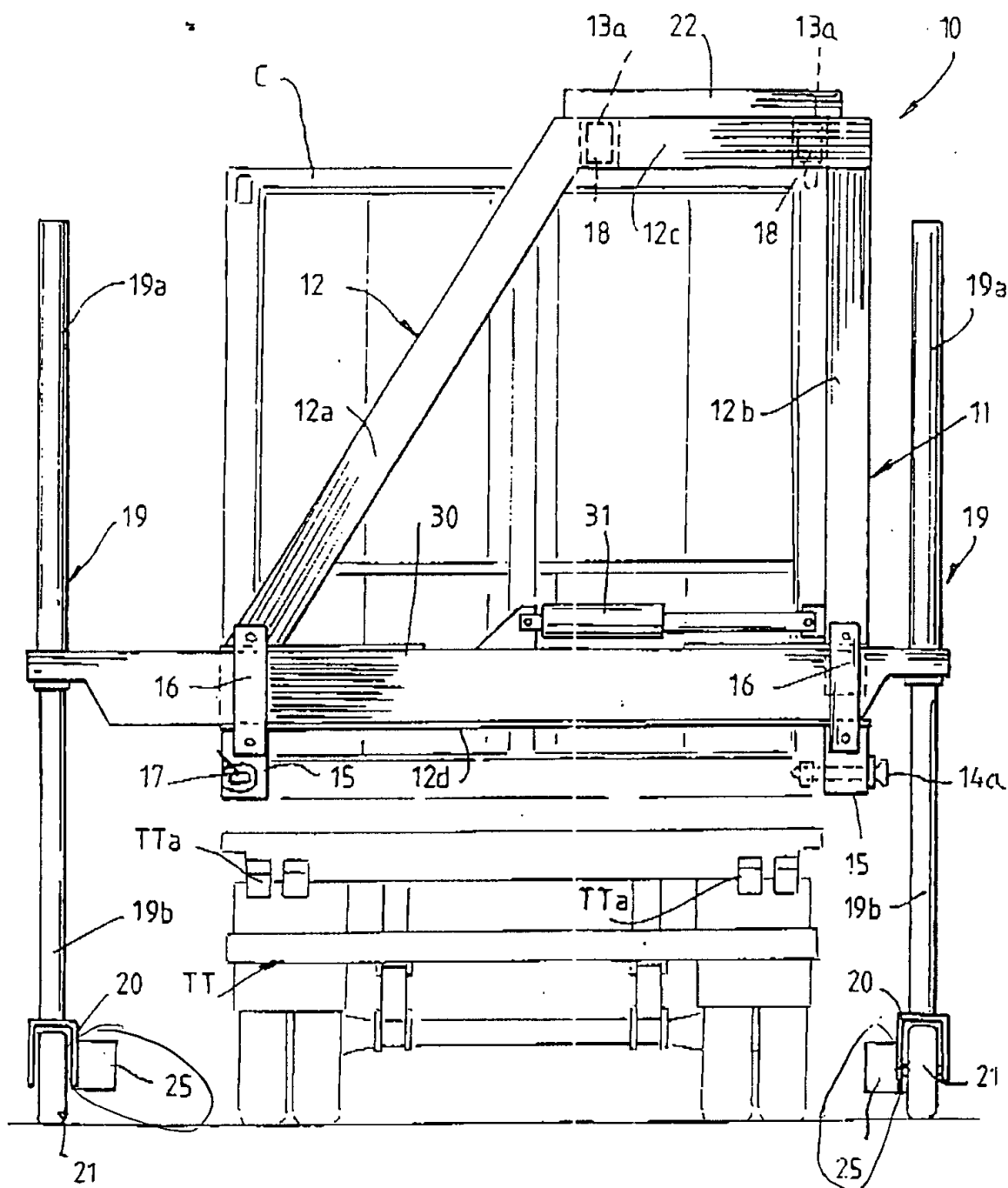
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